UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,275	07/09/2001	Arnd Krusche	282845US8X	7558

22850 7590 02/02/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314	EXAMINER
	ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/901,275	KRUSCHE ET AL.
	Examiner	Art Unit
	Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 November 2006</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>48-62</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>48-62</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some *   c) ☐ None of:
        1. ☒ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The Request for Continued Examination (RCE) filed on 11/17/2006 under 37 CFR

· 1.53(d) based on parent Application No. 09/901,275 is acceptable and a RCE has been

established. An action on the RCE follows.

2.   The amendments filed on 11/17/2006, submitted with the filing of the RCE have been

received and entered. The applicant has cancelled claims 1-47 and added new claims 48-62.

Claims 48-62 as amended are pending in the application.

Claim Objections

3.   Claims 56-61 are objected to because of the following informalities: Claims 56-61 recite

"the method according to...", however, the independent claim upon which claims 56-61 depend

from recites "A man-machine interface" instead of a method. For prosecution purposes, the

examiner assumes that this is a typographical error and that "The method" recited in claims 56-

61 is meant to be recited as --The man-machine interface --. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

4.   Claims 55-61 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. Claim 55 recites an interface comprising "means" for

performing functions, however, the recited "means" can be software, i.e. program code. The

claimed features and elements of claim 55 do not include hardware components or features that

are necessarily implemented in hardware. The "interface" appears directed to software, per se,

lacking any hardware to enable any functionality to be realized. Therefore, the claimed features

of claim 55 is actually a software, or at best, directed to an arrangement of software, and

software claimed by itself, without being executed or implemented on a computer medium, is

intangible. That is, the scope of the presently claimed interface can include, for example, a piece

of paper on which a program is written. Any amendment to the claim should be commensurate

with its corresponding disclosure. Claims 56-61 are rejected for similar reasons.

5.   To expedite a complete examination of the instant application, the claims rejected under

35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the

applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making
and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
contemplated by the inventor of carrying out his invention.

6.   Claim 62 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation "tangible storage medium", on line 1 of claim 62 is not positively recited in the

specification of the present application. The specification states, on lines 4-6 of page 7,

"...storage device like a memory stick." However, the cited passage merely indicates examples

of storage devices, but does not provide a definition of what constitutes a "tangible" storage

medium. Without a standard or definition of what is considered "tangible" storage medium, it is

unclear what storage mediums are considered tangible and what storage mediums are not

considered tangible. Therefore, there is no positively recited basis for "a tangible storage

medium".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 48-49, 51-56 and 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Microsoft® Windows (hereinafter "Windows"), copyright 1998 (Screenshot 1) and Myer et

al. U.S. Patent 6,615,088 (hereinafter "Myer").

Referring to claims 48, 55 and 62, Windows teaches a method, man-machine interface

and computer program comprising generating icons of the network devices having a plurality of

functions regarding a reproducing and/or recording of an audio/video signal and menus including

the functions which are operable with the associated network devices (Screenshot 2 shows the

display of a plurality of icons representing devices that are connected and available to the

computer network, for example, an Audio CD player that is capable of reproducing/playing

audio CDs); at least partially displaying the generated icons with a hierarchical structure so as to

show a relationship of network connections of the network devices in the network (the icons

representing the devices are shown in a hierarchical tree display in Screenshot 2; each of the

devices have a menu of available functions associated with it, as shown in Screenshot 3, that can

be shown by right-clicking on the device icon); receiving a selection of a network device by a

user selecting one of the displayed icons (for example, selection of the Audio CD device icon, as

shown in Screenshots 3 and 4); selectively displaying the menu of a selected network device, the

menu including the functions which are operable with the selected network device (a menu of

available functions such as "Play" are displayed upon user selection via right-clicking the

corresponding device icon, as shown in Screenshots 3 and 4); receiving a selection of a function

in the selectively displayed menu (users can select any of the functions displayed in the menu

shown in Screenshot 3, such as the "Play" function); and controlling the network device to

execute the selected function (the network device, i.e. CD player will execute the function of the

playing the CD upon selection of the "Play" function in the menu shown in Screenshot 3),

wherein the execution of the selected function results in a data stream of an audio/video signal

stored in a providing network device being sent from the providing network device to the

selected network device via the network (upon user selection of the "Play" function, the selected

network device of the Audio CD player will play the data stream, i.e. a particular track selected

on the providing network device, i.e. the computer, as shown in Screenshots 6-8). However,

although Windows teaches devices connected to a network, Windows fails to explicitly teach

that the devices connected to a network are home devices connected to a home network. Myer

teaches an interface for a plurality of devices connected to a network (Myer: column 3, lines 1-

38 and Figure 6D) similar to that of Windows. In addition, Myer further teaches the devices

connected to a network are home devices connected to a home network (users can monitor and

control various devices in her home environment, such as non-computer home devices including

air conditioning, video equipment, audio equipment, etc.) (Myer: column 3, lines 1-38, column 4,

lines 28-50 and Figures 6A-6F and 7A-7C), and wherein execution of the selected function

results in a data stream of an audio/video signal stored in a providing network device being sent

from the providing network device to the selected network device via the home network (the

selected devices, i.e. appliances such as the CD player or VCR receives instructions sent from

the providing network device, i.e. the master controller via the network to act according to the

input commands from the user; the receivedinstructions includes instructing the TV to turn on to

a particular channel broadcasting a specific video signal, i.e. program) (Myer: column 4, lines

28-50 and column 5, lines 23-26). It would have been obvious to one of ordinary skill in the art,

having the teachings of Windows and Myer before him at the time the invention was made, to

modify the interface for displaying a hierarchical view of devices connected to a network of

Windows to include the interface for displaying and monitoring home devices connected to a

home network taught by Myer, in order to obtain an interface that displays a hierarchical view of

home devices connected to a home network. One would have been motivated to make such a combination in order to allow users to easily monitor and control aspects of his or own home remotely; for example, this combination allows users to monitor and ensure that security in her home has not been breached from anywhere in the world.

Referring to claims 49 and 56, Windows, as modified, teach wherein the network devices include all compatible devices that are connected to the home network (the Microsoft Windows Explorer display shown in Screenshot 2 shows all of the devices, software and functions currently associated with, connected to, and therefore compatible with the computer system).

Referring to claims 51 and 58, Windows, as modified, teach the hierarchical view is organized according to the kind of sub-networks connected to the network (the sub-networks are grouped according to the kind of devices within it; for example, the hierarchical view of the network "My Computer" contains the separate sub-networks of "3½ Floppy (A:)", "(C:)", "Removable Disk (D:)" etc., as shown in Screenshot 2).

Referring to claims 52 and 59, Windows, as modified, teach wherein the selected function in the displayed menu is a "send to" function (the seventh function down on the menu shown in Screenshot 3 shows the availability of a "send to" function).

Referring to claims 53 and 60, Windows, as modified, teach selecting a providing network device (Windows teaches that the computer that the CD player, printer, etc. are connected to is selected as the host for the connected device, i.e. is the providing network device; furthermore, Myer teaches that there is a master controller, selected as the host, i.e. providing network device, for the connected home devices/appliances).

Referring to claims 54 and 61, Windows teaches selecting an audio/video signal stored on the selected providing network device (the user selects an audio/video signal on the master controller by inputting a command to be followed by one of the connected appliances, such as inputting an audio/music or video/TV/VCR command on the master controller to be sent to and executed by the CD player or television/VCR device) (Myer: column 3, lines 22-54 and column 4, lines 27-50).

8.   Claims 50 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft® Windows (hereinafter "Windows"), copyright 1998 (Screenshot 1) and Myer et al. U.S. Patent 6,615,088 (hereinafter "Myer"), as applied to claims 48 and 55 above, and Battat et al. U.S. Patent 5,958,012 (hereinafter "Battat").

Referring to claims 50 and 57, Windows and Myer teach all of the limitations as applied to claims 48 and 55 above. Specifically, Windows and Myer teach one or more sub-networks integrated into the network, where the hierarchical view is representative of the sub-networks, and respective representations of the sub-networks are of higher hierarchical order than devices and multimedia services thereof (Screenshot 2 shows the hierarchical display of sub-networks within the network, such as sub-networks "C:" and "Removable Disk (D:)" under the network "My Computer"; furthermore, the above mentioned sub-networks of "C:" and "Removable Disk (D:)" are higher in the hierarchical display than multimedia devices and services such as "Audio CD (E:)" and "Printers"). However, Windows and Myer fail to explicitly teach the use of a bridge to integrate the sub-networks into the network. Battat teaches a user interface that provides a visualization and management of connected components of a computer network in a

tree-like structure (Battat: column 4, lines 47-59, column 16, lines 46-50 and Figure 10B) similar

to that of Windows and Myer. In addition, Battat further teaches integrating sub-networks and

various components of the network via bridges (Battat: column 18, lines 52-65). It would have

been obvious to one of ordinary skill in the art, having the teachings of Windows, Myer and

Battat before him at the time the invention was made, to modify the interface for displaying

information relating to a network of Windows and Myer to include the integration of network

components via the use of communication devices such as bridges, taught by Battat. One would

have been motivated to make such a combination in order to have the versatility to be able to

integrate various kinds of networks, provided by communication devices such as bridges, which

facilitate the interconnection of numerous different types of networks; for example, PC

computers can be connected to home appliances such as a VCR and also to an electronic device

such as a Walkman.

Response to Arguments

9.   Applicant's arguments with respect to the Alimpich reference have been considered but

are moot.

10.   Applicant's arguments filed 11/17/2006 regarding the Windows and Myer references

have been fully considered but they are not persuasive:

The applicant argues that Windows shows a device like an Audio CD, but it is not a

network device. The examiner respectfully disagrees. Windows teaches that there are a plurality

of devices that are connected to the computer, such as a CD player, a printer, etc. (Screenshot 2);

these connected devices together form a computer network with the operating system of the

computer and are controlled by the operating system of the computer.

Furthermore, the applicant argues that Windows fails to teach the limitations of receiving

a selection of a function in the selectively displayed menu and controlling the network device to

execute the selected function, where the execution of the selected function results in a data

stream of an audio video signal stored in a providing network device being sent from the

providing network device to the selected network device via the home network and that Myers

fails to teach receiving a selection of a network device by a user selecting one of the displayed

icons, selectively displaying the menu of a selected network device, the menu including the

functions which are operable with the selected network device, receiving a selection of a

function in the selectively displayed menu and controlling the network device to execute the

selected function, where the execution of the selected function results in a data stream of an

audio/video signal stored in a providing network device being sent from the providing network

device to the selected network device via the home network. Applicant's arguments fail to

comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define

a patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references.

Furthermore, in response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections are based

on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In

re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner respectfully

argues that the combination of Windows and Myer teaches the subject limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

Kieu D. Vu
Primary Examiner